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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 RONALD J. MCINTOSH,

No. 09-cv-00750 CRB

12 Plaintiff,

**ORDER REGARDING MOTION FOR  
ENTRY OF ORDER INVOLVING  
ADDITIONAL DISCOVERY**

13 v.

14 ERIC H. HOLDER JR.,

15 Defendant.  
16 \_\_\_\_\_/

17 McIntosh has moved for entry of an order directing the federal government to produce  
18 additional discovery related to his case. See Motion for Entry of Order (dkt. 178). Three  
19 prior discovery motions remain pending, although the Court directed the parties to address  
20 the concerns raised in those motions following a hearing on September 11, 2015, and the  
21 parties appear to have resolved many of the disputes raised in those earlier motions. See  
22 Motion to Compel Government Employees to Appear (dkt. 149); Motion to Compel State to  
23 Comply (dkt. 148); Motion to Compel Federal Government to Comply (dkt. 147).

24 After reviewing the arguments raised by the parties in their papers, the Court hereby  
25 ORDERS that the United States Marshals Service shall furnish McIntosh with a declaration  
26 describing their search for documents responsive to McIntosh's subpoena, including a level  
27 of detail similar to that provided by the FBI and ATF in this case. The Court further  
28 ORDERS that the government shall file a document under seal explaining why it should not  
be required to produce discovery related to a certain undercover operation in Philadelphia,

1 given that the Court could protect discovery related to that operation with a protective order  
2 similar to the one it entered regarding the 174 pages of FBI documents in this case. The  
3 Court DENIES McIntosh's remaining requests, and further DENIES McIntosh's three prior  
4 discovery orders as moot. See Motion to Compel Government Employees to Appear (dkt.  
5 149); Motion to Compel State to Comply (dkt. 148); Motion to Compel Federal Government  
6 to Comply (dkt. 147). The hearing set for November 13, 2015, is hereby VACATED.

7 **IT IS SO ORDERED.**

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9 Dated: November 12, 2015



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE